

MEETING MINUTES BOARD OF MASSAGE THERAPY

April 6, 2006

1. ROLL CALL

The meeting was called to order by Cheryl Cradduck, Vice-Chair at 12:42 p.m. in the Department of Health and Human Services, Sixth Floor Conference Room Y, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meeting Law. The following members answered the roll call:

Board Members Present: Cheryl Cradduck, Vice-Chairperson
Sue Kozisek, Member
Gail Anderson, Secretary

Board Members Absent: B. J. Dennis, Chairperson

Others: Kris Chiles, Section Administrator, Credentialing Division
Susan Strong, Assistant Attorney General
Sue Ryberg, Investigations

A quorum was present and the meeting convened.

2. ADOPTION OF THE AGENDA

MOTION: Anderson moved, seconded by Kozisek, to approve the agenda as mailed. A voice vote was taken. Voting aye: Anderson, Cradduck, Kozisek (3). Voting nay: None (0). Absent: Dennis (1). Motion Carried.

3. APPROVAL OF MINUTES

MOTION: Anderson moved, seconded by Kozisek, to approve the minutes of December 2005 and January 2006. A voice vote was taken. Voting aye: Anderson, Cradduck, Kozisek (3). Voting nay: None (0). Absent: Dennis (1). Motion Carried.

4. INVESTIGATIONAL INFORMATION

MOTION: Kozisek moved, seconded by Anderson, to enter into closed session at 12:45 p.m. to hear discussions of a confidential nature for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Anderson, Cradduck, Kozisek (3). Voting nay: None (0). Absent: Dennis (1). Motion Carried.

MOTION: Kozisek moved, seconded by Anderson, to return to open session at 1:17 p.m. A voice vote was taken. Voting aye: Anderson, Cradduck, Kozisek (3). Voting nay: None (0). Absent: Dennis (1). Motion Carried.

1:20 p.m. – a representative from the Omaha School of Massage Therapy entered the meeting

5. REPORTS

a. Disciplinary Action

Chiles reported that on 2-25-06 an order to Cease and Desist was sent to Terry Moriss, owner of Beautiful Babes Escort Service in Omaha. Mr. Morris had been operating a business that provides massage therapy services without an establishment license to do so. Failure to obey the order to cease and desist is a Class III Felony and punishable by 1-20 years in prison and up to a \$25,000 fine.

b. Non-Disciplinary Actions

None taken since last meeting

c. Administrative Penalties Fees

Chiles provided a report regarding individuals/establishments that have been assessed an administrative penalty (\$10 per day up to \$1000 for each day of practice without a license – pursuant to Neb. Rev. Stat. 71-164.01):

Payment has been received for the following:

<u>Name</u>	<u># of days of practice without a license</u>	<u>Penalty Fee</u>
1 Heidi Marr, massage therapist	15 days following expired license	\$150
2 Lauren Warthen, massage therapist	18 days following expired license	\$180
3 Toglias Salon and Spa (Omaha)	9 days prior to application	\$90
4 Tranquility Chiropractic Center (Omaha)	3 days prior to application	\$30

Payment is pending for the following:

<u>Name</u>	<u># of days of practice without a license</u>	<u>Penalty Fee</u>
1 Victoria Hoegemeyer, massage therapist	25 days prior to application	\$250
2 Cassie Guzman Acha, massage therapist	3 days prior to application	\$30
3 New Image Salon and Spa (Lincoln)	9 days prior to application	\$90
4 Omaha Chiropractic Association (Omaha)	14 days prior to application	\$140
5 Jasmine Salon and Day Spa (Omaha)	14 days prior to application	\$140

Chiles reported that the Credentialing Division monitors payments received and can run an administrative penalty assessment report upon request. Pursuant to Neb. Rev. Stat. 71-164.01 (4) any administrative penalty received must be transmitted to the State Treasurer for credit to the Permanent School Fund. Reports on records date from the July 1, 2004 to the present.

The individual being assessed is informed that if the penalty fee or request for approval of a payment plan has not been received within 30 days of assessment, the State can collect in the form of a lien foreclosure or sued for and recovered in a proper form of action in the name of the State in the district court of the county in which the individual resides.

d. Web-site update:

Chiles provided copies of two website addresses: 1) Licensing Information; and 2) the Massage Therapy Licensure (MT) Home page. She reported that in addition to the applications and licensure information being available on the MT home page, licensees can now also access the approved continuing education listing on this page.

Discussion ensued regarding the personal information that is located on the licensing information page, specifically the posting of the grades received by each licensee and his/her address. Members voiced concern regarding the potential negative use of said grades by future employers and the public and questioned the purpose of posting the information on the web site.

Chiles stated that the information contained on the website is public (pursuant to the statutes) and that recently, based on a number of requests, the decision had been made to re-post examination grades. She suggested that given the concerns voiced, the board should consider submitting a letter to the Department, which outlines their concerns and basis for said concerns. She stated that this information would be taken into consideration by the Division's Director and would be useful as the Uniform Licensing Law is being rewritten.

e. National Certification Examination

No new information was received.

6. UNFINISHED BUSINESS

a. Board Member Appointment Update

Chiles reported that the Board of Health, at their upcoming May meeting, would be reviewing the following applications to fill BJ Dennis' position, which expired 11/30/05:

- James Baer, Kearney
- Willow Beyer, North Platte
- Bradley Decker, Lincoln
- Rick Dockhorn, Lincoln (letter of support received from the Nebraska Chapter of AMTA)
- Karen Meyer, Lincoln
- Edward Orcutt, Omaha

b. Federation of State Massage Therapy Board

Cradduck stated that she benefited from attending the Federation meeting and reported that approximately 23 boards were in attendance. Topics of interest related to:

- Disciplinary Data Bank – disciplinary actions for any state would be posted on a uniform system, whereby all states could access the information

Chiles reported that the Federation voted to waive the initial state membership dues for the initial fiscal year as an incentive for states to join.

2:04 p.m. - The board recessed for a break

2:11 p.m. - The meeting resumed

MOTION: Kozisek moved, seconded by Anderson, to join the Federation of State Massage Therapy Boards. A voice vote was taken. Voting aye: Anderson, Cradduck, Kozisek (3). Voting nay: None (0). Absent: Dennis (1). Motion Carried.

c. National Certification Examination

Chiles reported that with the addition of the 'massage only' examination (NCETM), there have been at least 2 incidents whereby the student took the wrong exam. Pursuant to 172 NAC 81, Nebraska only accepts the Massage and Bodywork Examination (NCETMB) for licensure. In one case, the applicant applied for and took the wrong exam, in the second incident, the applicant applied for the correct examination, but was administered the wrong examination.

Additionally, the preliminary reports printed by the on-site testing center have been incorrect; therefore, the Department will no longer accept the preliminary report and the applicant must submit the 'official score report' (all MT schools have been informed of this change).

Members discussed what could be done to educate students regarding the varying requirements in other states. No resolution was reached.

7. New Business

d. Application Review and Recommendations

(schools/instate/outstate)

Chiles provided a brief historical review of out-of-state curriculums that have been approved in the past. She stated that currently, 5 out-of-state massage schools have curriculums that offer the required Nebraska 1,000 hour program. Those schools are:

- Ancient Wisdom College of Healing Arts (Council Bluffs, IA)
- Boulder College of Massage Therapy (Boulder, CO)
- Collinson School of Therapeutics and Massage (Colorado Springs, CO)
- Heritage College (Denver, CO)
- New Mexico Academy of Healing Arts (Santa Fe, NM)

Curriculum approval dates as early as 1991 (New Mexico) and as recent as 2004 (Heritage).

In the early 90's, the Board believed that by reviewing a school's curriculum and maintaining a listing of approved curriculums, it was a help to both the board and applicants. It eliminated the Board's review time of transcripts for students who attended these schools, and it provided notice to potential students as to which schools out side of Nebraska offered the Nebraska curriculum. Chiles stated that approximately 6 years ago, she instituted a review of these curriculums every 2 years (same date as in-state school renewals), as an assurance that the school continued to offer the required 1000 hour program.

MOTION: Anderson moved, seconded by Craddock, to continue approving out-of-state curriculums until the November 2006, at which time the process would be re-evaluated. A voice vote was taken. Voting aye: Anderson, Craddock, Kozisek (3). Voting nay: None (0). Absent: Dennis (0). Motion Carried.

f. Sharing the massage room with other licensed professions

The following scenarios were discussed:

- massage therapist sharing room with chiropractor and not obtaining an establishment license
- cosmetologist, esthetician and massage therapist using the same table in the same room
- Cosmetology salons must be physically separated (by at least 6 foot high walls/partitions) from all other business or residential activities except barbering and retail sales
- Cosmetology statutes do not restrict the activities of a person practicing cosmetology, electrology, esthetics or nail technology within the confines of a massage therapy establishment, except that no unlicensed person may accept compensation for such practice
- Hospitals providing a room for staff to receive massage therapy services
- Colleges providing a for students to receive massage therapy services
- Entrances for Establishments located within the licensee's home and the use of folding screens to create hallways in order to meet the 'entrance' requirements of the regulations

Further discussion will occur at the next meeting.

h. Home Study

Chiles stated that many of the home study programs that have been submitted for review, include hands-on techniques, therefore, it is very difficult to extract only the subject matter acceptable for home study. She reiterated the approval criteria as:

172 NAC 81-006.03 (i) Home study Programs. Up to a maximum of 10 credits will be granted. Only the following topic areas are acceptable for home study credit:

- (1) Equipment and sanitation;
- (2) Infectious and contagious disease control;
- (3) Anatomy;
- (4) Physiology;
- (5) Business;
- (6) Pathology;
- (7) Hygiene; or
- (8) Stress Management.

i. Starting time for 2006 Meetings/Worksessions

The Board agreed to continue meeting from 12:30 p.m. to 3:00 p.m.

The following items were tabled to the next meeting:

7e – Massage Services in Outside Areas

7g – 2006 Legislation Update

8. ADJOURNMENT

There being no further business, the Board of Massage Therapy adjourned at 2:48 p.m.

Next Meeting Date – The next meeting of the Board is scheduled for **June 1, 2006** at the Nebraska State Office Building.

Respectfully submitted,

Gail Anderson, Secretary

Recorded by: Kris Chiles, Section Administrator
Transcribed by: Anita Wood, Temporary
Credentialing Division